

BAKER & HOSTETLER LLP

45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Nicholas J. Cremona

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES INVESTOR PROTECTION
CORPORATION,**

Plaintiff-Applicant,

v.

**BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,**

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,**

Adv. Pro. No. 10-04562 (CGM)

Plaintiff,

v.

ROBERT F. FERBER,

Defendant.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL OF
ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15

U.S.C. §§ 78aaa, et seq. (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendant Robert Ferber (“Defendant”), by and through his counsel, Lax & Neville LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed the Complaint against Defendant [Dkt. No. 1].
2. On August 14, 2015, Defendant filed an Answer and Affirmative Defenses [Dkt. No. 40].
3. On November 17, 2021, the Trustee filed his motion for summary judgment [Dkt. No. 96].
4. Under Federal Rule of Bankruptcy Procedure 9006(d) and Local Bankruptcy Rule 9006-1, Defendants’ opposition to the Trustee’s Motion was due by December 1, 2021, the Trustee’s reply is due by December 8, 2021, and oral argument is scheduled for December 15, 2021.
5. Pursuant to the Settlement Procedures Order entered by this Court on November 12, 2010 [Madoff Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on December 2, 2021.
6. Based upon the Settlement Agreement and Release reached by the Parties, the Trustee’s motion for summary judgment is withdrawn as moot and the related hearing on the motion scheduled for December 15, 2021 may be removed from the Court’s calendar.
7. Pursuant to the terms of the Settlement Agreement and Release, and in accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendant in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice, with all Parties to bear their own attorneys’ fees and costs.

8. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

9. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: December 7, 2021
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and for the
Chapter 7 Estate of Bernard L. Madoff*

LAX & NEVILLE LLP

By: /s/ Brian J. Neville
350 Fifth Avenue, Suite 4640
New York, New York 10118
Telephone: (212) 696-1999
Facsimile: (212) 566-4531
Brian J. Neville
Email: bneville@laxneville.com
Barry R. Lax
Email: blax@laxneville.com

Attorneys for Defendant

SO ORDERED.

Dated: December 8, 2021
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge